

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

10x GENOMICS, INC.,

Plaintiff,

v.

Civil Action No. 19-862-CFC-SRF

CELSEE, INC.,

Defendant.

MEMORANDUM ORDER

Plaintiff 10x Genomics alleges that Defendant Celsee's Genesis Platform infringes the Hindson Patents: U.S. Patent Nos. 10,273,541 (the #541 patent) and 10,400,280 (the #280 patent). D.I. 86 ¶ 37. Pending before me is Celsee's Motion for Summary Judgment of Invalidity of the Hindson Patents under 35 U.S.C. § 112. D.I. 273.

In its Concise Statement of Facts filed in support of the motion, Celsee identified the following fact as material to the motion and not in dispute: "The section of the #233 [Provisional] entitled 'Analysis of Gene Expression' does not recite using reverse transcription to yield barcoded cDNA molecules." D.I. 275 ¶ 20. 10x denies this assertion of fact and argues that "[t]he section recites that method in its recitation of reverse transcription and sequencing for analysis." D.I.

305 ¶ 20. Record evidence cited by 10x appears to support its position. *See* D.I. 306, Ex. 1 ¶¶ 671, 685–687; Ex. 12 at [0016], [0050], [0055], [0061]–[0065], [00109], [00194]–[00195].

Because there appears to be at least one disputed fact that Celsee has said is material to its motion for summary judgment, I will deny the motion. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (holding that summary judgment will not lie if there is a genuine dispute about a material fact).

NOW THEREFORE, at Wilmington this Sixth day of April in 2021, **IT IS HEREBY ORDERED** that Defendant’s Motion for Summary Judgment of Invalidity of the Hindson Patents under 35 U.S.C. § 112 (D.I. 273) is **DENIED**.


UNITED STATES DISTRICT JUDGE